

DEC 09 2005

**BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP**

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**FACSIMILE COVER SHEET**

Deliver to: Joseph G. Ustaris, USPTO Art Group: 2617  
Facsimile No.: (703) 872-9306 Date: December 9, 2005  
From: Eric T. King, Reg. No. 44,188  
Our Docket No.: K35A0807 Number of pages 20 including this sheet.  
Application No.: 09/872,197 Filing Date: 5/31/2001  
Docket Due Date(s): 7/6/2005

Enclosed are the following documents:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Amendment: _____ ( <u>12</u> pgs)          | <input type="checkbox"/> Issue Fee Transmittal                                    |
| <input type="checkbox"/> Appeal Brief ( _____ pgs)                             | <input type="checkbox"/> Notice of Appeal   |
| <input type="checkbox"/> Application: _____<br>( _____ pgs) w/cover & abstract | <input type="checkbox"/> Petition for: _____                                      |
| <input type="checkbox"/> Assignment & Cover Sheet ( _____ pgs)                 | <input type="checkbox"/> Request for Continued Examination (RCE)                  |
| <input type="checkbox"/> Certificate of _____                                  | <input type="checkbox"/> Reply Brief ( _____ pgs)                                 |
| <input type="checkbox"/> Continued Prosecution Application (CPA)               | <input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i)     |
| <input type="checkbox"/> Declaration & POA ( _____ pgs)                        | <input type="checkbox"/> Request to Rescind Previous Nonpublication Request       |
| <input type="checkbox"/> Drawings: _____ sheets, _____ figures                 | <input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter |
| <input type="checkbox"/> Extension of Time: _____                              | <input type="checkbox"/> Response to Written Opinion ( _____ pgs)                 |
| <input checked="" type="checkbox"/> Fee Transmittal (in duplicate)             | <input type="checkbox"/> Terminal Disclaimer                                      |
| <input type="checkbox"/> IDS & PTO/SB/08 ( _____ pgs)                          | <input type="checkbox"/> Transmittal of Publication Fee Due                       |
| <input type="checkbox"/> Other _____   | <input checked="" type="checkbox"/> Transmittal Letter                            |

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Nicole Erquaga  
Nicole Erquaga

12/9/2005

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application No.	09/872,197
	Filing Date	May 31, 2001
	First Named Inventor	L. Jeffrey Kapner, III
	Art Unit	2614
	Examiner Name	Kirubel Akhlu
	Attorney Docket Number	K35A0807
Total Number of Pages in This Submission		15

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 60px; width: 100%;"></div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Eric T. King, Reg. No. 44,188 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	December 9, 2005

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Typed or printed name	Nicole Erquiaga		
Signature		Date	December 9, 2005

Based on PTO/SB/21 (09-04) as modified by Blakely, Sokoloff, Taylor & Zafman (v.1) 11/30/2005.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

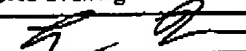
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DEC 09 2005

<b>FEE TRANSMITTAL</b> <b>for FY 2005</b> <small>Patent fees are subject to annual revision.</small>		Complete if Known		
		Application Number	09/872,197	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Filing Date	May 31, 2001	
		First Named Inventor	L. Jeffrey Kapner, III	
		Examiner Name	Kirubel Aklilu	
		Art Unit	2614	
TOTAL AMOUNT OF PAYMENT (\$)		0.00	Attorney Docket No.	K35A0807

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2666</u> Deposit Account Name: <u>Blakely, Sokoloff, Taylor &amp; Zafman LLP</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. <input type="checkbox"/> Credit any overpayments	

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1. EXTRA CLAIM FEES																																																																																																																	
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SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Eric T. King	Registration No. (Attorney/Agent)	44,188
Signature		Telephone	(714) 557-3800
		Date	12/09/05

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 12/15/2004.  
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<b>METHOD OF PAYMENT</b> (check all that apply)	
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<table style="width:100%; border-collapse: collapse;"> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> <tr> <td>1051</td> <td>150</td> <td>2051</td> <td>85</td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>2053</td> <td>130</td> <td>2053</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>1251</td> <td>120</td> <td>2251</td> <td>60</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>1252</td> <td>450</td> <td>2252</td> <td>225</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>1253</td> <td>1,020</td> <td>2253</td> <td>510</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1254</td> <td>1,590</td> <td>2254</td> <td>795</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1255</td> <td>2,180</td> <td>2255</td> <td>1,080</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>1401</td> <td>500</td> <td>2401</td> <td>250</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>1402</td> <td>500</td> <td>2402</td> <td>250</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1403</td> <td>1,000</td> <td>2403</td> <td>500</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>1451</td> <td>1,510</td> <td>2451</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>1480</td> <td>130</td> <td>2480</td> <td>130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>1807</td> <td>50</td> <td>1807</td> <td>50</td> <td>Processing fee under 37 CFR 1.17(a)</td> <td></td> </tr> <tr> <td>1808</td> <td>180</td> <td>1808</td> <td>180</td> <td>Submission of Information Disclosure Stmt</td> <td></td> </tr> <tr> <td>1809</td> <td>790</td> <td>1809</td> <td>395</td> <td>Filing a submission after final rejection (37 CFR § 1.129(a))</td> <td></td> </tr> <tr> <td>1810</td> <td>790</td> <td>2810</td> <td>395</td> <td>For each additional invention to be examined (37 CFR § 1.129(b))</td> <td></td> </tr> <tr> <td colspan="4">Other fee (specify) _____</td> <td></td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;">SUBTOTAL (2)</td> <td style="border: 1px solid black; text-align: center;">(\$)</td> <td></td> </tr> </table>					Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	150	2051	85	Surcharge - late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		2053	130	2053	130	Non-English specification		1251	120	2251	60	Extension for reply within first month		1252	450	2252	225	Extension for reply within second month		1253	1,020	2253	510	Extension for reply within third month		1254	1,590	2254	795	Extension for reply within fourth month		1255	2,180	2255	1,080	Extension for reply within fifth month		1401	500	2401	250	Notice of Appeal		1402	500	2402	250	Filing a brief in support of an appeal		1403	1,000	2403	500	Request for oral hearing		1451	1,510	2451	1,510	Petition to institute a public use proceeding		1480	130	2480	130	Petitions to the Commissioner		1807	50	1807	50	Processing fee under 37 CFR 1.17(a)		1808	180	1808	180	Submission of Information Disclosure Stmt		1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))		1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))		Other fee (specify) _____						SUBTOTAL (2)				(\$)	
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<b>SUBMITTED BY</b>		<i>Complete (if applicable)</i>	
Name (Print/Type)	Eric T. King	Registration No. (Attorney/Agent)	44,188
Signature		Telephone	(714) 557-3800
		Date	12/09/05

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wlr) 12/15/2004.  
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Appl. No. 09/872,197  
Amdt. Dated 12/9/2005  
Reply to Office action of 10/17/2005

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**RESPONSE UNDER 37 CFR § 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 2617**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application. No. : 09/872,197  
Applicant : L. Jeffrey Kapner III  
Filed : 5/31/2001  
TC/A.U. : 2617  
Examiner : Joseph G. Ustaris

Confirmation No. 1905

Docket No. : K35A0807  
Customer No. : 8791

Mail Stop AF  
Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

**AMENDMENT UNDER 37 CFR § 1.116**

Sir:

In response to the Office Action of October 17, 2005, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on 2 of this paper.

**Remarks/Arguments** begin on page 7 of this paper.